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Attorneys for Defendants CITY AND COUNTY
OF SAN FRANCISCO and OFFICER MILEN BANEGAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW MATTINGLY,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SFPD, SF SHERIFF DEPT.,
OFCR MILEN S. BANEGAS, OFCR TAM,
DOES 1-100,

Defendants.

Case No. C 10 0193 JSC

**STIPULATION AND ORDER RE EVIDENCE
AT TRIAL**

Trial Date: Feb. 27, 2012

1 Plaintiff Andrew Mattingly, and Defendants City and County of San Francisco and Milen

2 Banegas hereby stipulate to the following:

- 3 1. Witness shall be excluded from the court room.
- 4 2. The parties shall not offer evidence of settlement demands or offers, or that any settlement
- 5 discussions have occurred.
- 6 3. The parties shall not offer any evidence of commendations, performance evaluations, training
- 7 records, results of tests or examinations, or disciplinary history of any officer.
- 8 4. The parties shall not offer any evidence of plaintiff's driving while intoxicated conviction in
- 9 Virginia from approximately 18 years ago, unless plaintiff testifies or implies that he never had
- 10 such a conviction.
- 11 5. The parties shall not offer any evidence as to the results of the citation issued to plaintiff on
- 12 December 26, 2008.
- 13 6. The parties shall not offer any evidence that after he was released from jail plaintiff told people,
- 14 including but not limited to Ariel Molina, Paige Cole, Dennis Smith, John Reardon, and Leroy
- 15 Morvant, that police officers broke his arm. This agreement does not extend to testimony from
- 16 Sarah Wheeler, as the parties are in disagreement about the potential admissibility of her
- 17 testimony.
- 18 7. No party shall submit evidence, comment or argument that plaintiff has dismissed some claims, or
- 19 that any officer violated the law, procedure, rule or regulation as they relate to those dismissed
- 20 claims.
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1 The parties further agree to instruct all witnesses that they call to not mention or refer to these
2 matters.

3 Dated: February 9, 2012

4 DENNIS J. HERRERA
5 City Attorney
6 JOANNE HOEPER
7 Chief Trial Attorney
8 MARGARET W. BAUMGARTNER
9 JOSHUA S. WHITE
10 VINCE CHHABRIA
11 Deputy City Attorney

By: 

MARGARET W. BAUMGARTNER

11 Attorneys for Defendants CITY AND COUNTY
12 OF SAN FRANCISCO and OFFICER MILEN
13 BENEGAS

14 Dated: February 2, 2012

HELBRAUN LAW FIRM

15 By: s/David M. Helbraun*

16 DAVID M. HELBRAUN

17 Attorneys for Plaintiff ANDREW MATTINGLY

18 *Pursuant to General Order 45, §X., the filer of this
19 document attests that she has received the concurrence of this
20 signatory to file this document.

21
22 IT IS SO ORDERED.

23
24 Dated: _____


25 HONORABLE JACQUELINE S. CORLEY
26 United States Magistrate Judge
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